

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNIITED STATES OF AMERICA	:	CRIMINAL NO. 1:18-CR-146
	:	
v.	:	(Chief Judge Conner)
	:	
FRANCISCO RIVERA-RIVERA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 10th day of October, 2019, upon consideration of the motion (Doc. 99) to correct or clarify sentence filed by defendant Francisco Rivera-Rivera (“Rivera-Rivera”), and it appearing that the transcript of the sentencing hearing contains a mathematical inconsistency between the court’s oral pronouncement of the total term of imprisonment—“fifty months”—and its oral pronouncement of the constituent terms of imprisonment for each respective count—“thirty months on Count 1, and twenty-four months on Count 3, to be served consecutively,” but it also appearing that the judgment (Doc. 96) dated September 23, 2019, and filed to the docket on September 24, 2019, accurately reflects the intended sentence, namely:

“Fifty-Four (54) Months. This sentence consists of 30 months on Count 1 and 24 months on Count 3, to be served consecutively to Count 1. The entire sentence is imposed consecutively to any sentence which may be imposed in York County Court of Common Pleas case numbers CR-8168-2016 and CR-8194-2016[,]”

(id. at 1), and the court finding that it is necessary and appropriate to clarify the mathematical error in the oral pronouncement of the total sentence to accord with

the total sentence as reflected in both the judgment and in the court's oral pronouncement of the terms of imprisonment for each respective count, it is hereby ORDERED that:

1. Rivera-Rivera's motion (Doc. 99) is GRANTED to the extent the court clarifies its misstatement on the record and confirms that the intended total term of imprisonment is that reflected in the judgment and in the terms of imprisonment on each respective count, that is, 54 months' imprisonment, consisting of 30 months on Count 1 and 24 months on Count 2, to be served consecutively. (See Doc. 96).
2. Rivera-Rivera's motion (Doc. 99) is DENIED as moot to the extent it seeks a correction of the sentence, which is accurately and correctly reflected in the judgment (Doc. 96) dated September 23, 2019, and docketed September 24, 2019.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania